

FOX RIVER, AT KAUKAUNA, WIS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

WITH A LETTER FROM THE CHIEF OF ENGINEERS, REPORT ON PRELIMINARY EXAMINATION OF FOX RIVER, AT KAUKAUNA, WIS., CONSIDERATION BEING GIVEN TO ANY PROPOSITION INVOLVING COOPERATION ON THE PART OF LOCAL INTERESTS.

MARCH 9, 1914.—Referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

WAR DEPARTMENT,
Washington, March 7, 1914.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith a letter from the Chief of Engineers, United States Army, dated 6th instant, together with copy of report from Maj. H. B. Ferguson, Corps of Engineers, dated November 22, 1913, with map, on preliminary examination of Fox River, at Kaukauna, Wis., made by him in compliance with the provisions of the river and harbor act approved March 4, 1913.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 6, 1914.

From: The Chief of Engineers, United States Army.

To: The Secretary of War.

Subject: Preliminary examination of Fox River at Kaukauna, Wis.

1. There is submitted herewith, for transmission to Congress, report dated November 22, 1913, with map, by Maj. H. B. Ferguson, Corps of Engineers, on preliminary examination called for by the

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following item contained in the river and harbor act approved March 4, 1913:

Fox River, at Kaukauna, Wis., consideration being given to any proposition involving cooperation on the part of local interests.

2. The city of Kaukauna is situated on the Fox River, 23 miles from its mouth. It appears that it is the desire of the city to establish a public park adjoining the Government canal right of way and to have the United States improve its property in a similar manner the city agreeing to bear its proportion of the expense of the combined improvement. The district officer states that there is no question of commerce or navigation involved in the present investigation and he expresses the opinion that the locality is not worth of improvement by the United States at this time. In this opinion the division engineer concurs.

3. This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its accompanying report, dated February 11, 1914, concurring with the district officer and division engineer in the opinion that no modification of the existing project at Kaukauna is advisable at the present time.

4. After due consideration of the above-mentioned reports, I concur with the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of Fox River at Kaukauna, Wis., is not deemed advisable at the present time to a greater extent than is covered by the existing project. It is customary at such works, however, to keep the Government rights of way in good order, and in the present case steps will be taken in cooperation with the citizens of Kaukauna to give the land such treatment as may appear necessary and desirable as part of the expense of maintaining the waterway.

DAN C. KINGMAN,
Chief of Engineers, United States Army

REPORT OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS

[Third indorsement.]

BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
February 11, 1914

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. This is a report of preliminary examination of Fox River at Kaukauna, Wis., consideration being given to any proposition involving cooperation on the part of local interests.

2. The city of Kaukauna is situated on the Fox River, 23 miles from its mouth. The river is canalized its entire length of 163 miles.

3. The commerce handled on the river during 1912 was 145,900 tons, the principal articles being coal, lumber, sand and gravel, brick, and sugar beets.

4. Complaints have been made from time to time by property owners abutting the canal bank that the land adjacent was subsiding.

The strip referred to is about 800 feet long and 70 to 150 feet wide. The district officer states that it is apparent from his investigations that the bank near the canal is stable, that it has never given any trouble and none is anticipated, and he is unable to discover any relation between the subject of this examination and navigation on the river.

5. It appears from the resolution by the mayor and common council of the city of Kaukauna that it is the desire of the city to establish a public park adjoining the Government canal right of way and to have the United States improve its property in a similar manner, the city agreeing to bear its proportion with the Government of the expense of beautifying the combined properties.

6. The district officer states that there is no question of commerce or navigation involved in the present investigation, and he reports the locality as unworthy of improvement by the United States at this time, due consideration having been given to the question of cooperation on the part of local interests. In this view the division engineer concurs.

7. Interested parties were advised of the unfavorable report of the district officer and given an opportunity of submitting their views to the board, and on January 28, 1914, Hon. Thomas F. Snop, M. C., appeared before the board in behalf of the interests concerned and presented a written statement bearing upon the question and also several letters and a petition from the locality, all of which have been given due consideration.

8. It appears from the report of the district officer and also from the letter of Hon. John Coppes, mayor, dated December 13, 1913, that the improvement contemplated is not in the interests of commerce and navigation, but that it is for the embellishment of the Government strip of land along the canal in connection with similar work on an adjoining piece of property which the city desires to improve as a city park. It is understood that this matter has been taken up by the Chief of Engineers, and that, as is customary elsewhere in like works of the United States, any improvement in the United States lands necessary and desirable will be made in cooperation with the citizens of Kaukauna as a part of the expense of maintenance of the canal.

9. No further congressional action in this case appears necessary. The board therefore reports, in concurrence with the district and division engineer, that no modification of the existing project at Kaukauna is advisable at the present time.

10. In compliance with law, the board reports that there are no questions of terminal facilities, water power, or other related subjects which could be coordinated with the suggested improvement in such manner as to render the work advisable in the interests of commerce and navigation.

For the board:

W. M. BLACK,
*Colonel, Corps of Engineers,
Senior Member of the Board.*

PRELIMINARY EXAMINATION OF FOX RIVER AT KAUKAUNA, WIS.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Milwaukee, Wis., November 22, 1913.

From: The District Engineer Officer.

To: The Chief of Engineers, United States Army.

(Through the Division Engineer.)

Subject: Preliminary examination of Fox River at Kaukauna, Wis.

1. The river and harbor act approved March 4, 1913, contains an item providing for a preliminary examination as follows:

Fox River at Kaukauna, Wis., consideration being given to any proposition involving cooperation on the part of local interests.

2. In accordance with the provisions of said item and instruction contained in department letter dated office Chief of Engineers March 18, 1913, the following report is submitted:

3. It has been ascertained from the parties interested that the above-quoted item in the act refers to the question of building a retaining wall along or near the United States canal bank at Kaukauna, Wis., from Lawe Street Bridge to the upper end of United States property for a distance of about 800 feet. The examination therefore covers this question only.

4. The city of Kaukauna is situated on the Fox River, 23 miles south of the city of Green Bay, Wis., which is the mouth of the Fox River. The population of Kaukauna in 1910 was 4,717. The Fox River flows from near Portage on the Wisconsin River to Green Bay and is canalized the entire distance of 163 miles.

5. The total freight traffic on the Fox River for the calendar year 1912 was 145,890 short tons, the estimated value of which \$634,362. The principal articles of commerce are coal, lumber, sand and gravel, brick, and sugar beets.

6. The canal bank in question is composed of clay. Complaints were made as early as 1888 by owners of property abutting said canal bank, claiming that the land on which their buildings were located was sliding and subsiding. The Government strip of land extending along the canal is about 800 feet long and 70 to 150 feet wide. Starting at the canal the slope is gradual, the rise being about 15 feet the first 60 feet from where the steeper slope of about 1 on 1 extends to top of bank where elevation varies from 30 to 60 feet above canal. This information is shown in more detail on map herewith. It is apparent that the bank near canal is stable. It has never given any trouble and none is anticipated. I am unable to discover any relation between the subject of this examination and navigation on this river which is provided for in regular annual appropriations.

7. In accordance with an item in section 6 of the river and harbor act approved July 13, 1892, as follows:

Fox River, Wis., on the necessity and advisability of building a protection on the canal at Kaukauna—

A preliminary examination was made by Maj. James F. Gregory, Corps of Engineers, dated August 4, 1892, who reported the local conditions not worthy of improvement by the General Government. (H. R. No. 28, 52d Cong., 2d sess.; A. R., C. of E. for 1893, pp. 2779-2780.)

8. An item in the river and harbor act of March 3, 1899, for improving Fox River, Wis., provided that \$2,500, or so much thereof as may be

be necessary, shall be used in the construction of a retaining wall on the north side of the canal at the city of Kaukauna for the protection of said canal. Inasmuch as the canal needed no protection and the estimate for a wall along this stretch of canal was \$60,000, the amount allotted was insufficient. As Congress failed to appropriate additional funds, no work was done nor expenditures made under the allotment.

9. Under the provisions of the sundry civil act of March 4, 1909, the allotment of \$2,500, above referred to, was turned into the Treasury to the credit of the surplus fund and is not now available for expenditure on the Fox River.

10. A resolution received from the city authorities is as follows:

Resolved by the mayor and common council of the city of Kaukauna, That we request the United States War Department to establish by monuments their line between the private property owners and the Government property on the north bank of the Government canal, lying between Lawe and Kaukauna Streets, in the city of Kaukauna, Wis.

2. In order that the city of Kaukauna, which desires to acquire such property north of said Government line, may know exactly where Government ownership ceases and private ownership begins.

3. For the reason that the city desires to acquire this land for the purpose of joining the Government in placing the entire bank in sanitary condition and using same for the benefit of the public as a park. The city of Kaukauna will bear its fair proportion with the Government of the expense to produce this result and will agree to release from the Government its part of the bank and maintain the whole in proper condition.

Offered by Alderman Jansen.

Introduced and adopted May 19, 1913.

Approved.

JOHN COPPES, *Mayor.*

Attest:

L. C. WOLF, *City Clerk.*

11. Inasmuch as no expenditures by the United States are justifiable, and as under existing laws the Secretary of War can sell or lease to city and permit use for such park purposes as do not interfere with navigation interests, a portion of this land belonging to the United States, no further action of Congress is considered necessary.

12. There are no questions of terminal or transfer facilities, water power, wharves, or other kindred subjects pertaining to this examination.

13. This locality is not deemed worthy of improvement by the United States at this time, due consideration having been given to any proposition involving cooperation on the part of local interests.

H. B. FERGUSON,
Major, Corps of Engineers.

[First indorsement.]

OFFICE OF THE DIVISION ENGINEER,
LAKES DIVISION,
Buffalo, N. Y., November 26, 1913.

to the CHIEF OF ENGINEERS:

Forwarded, concurring in the opinion of the district officer that this locality is not worthy of improvement by the United States.

J. G. WARREN,
Colonel, Corps of Engineers.

[For report of the Board of Engineers for Rivers and Harbors see 2.]

LETTER OF HON. THOMAS F. KONOP.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 28, 1914.

GENTLEMEN: I am presenting to you herewith the notice of appeal ¹ in the matter of the improvement of a canal bank at Kaukauna, Wis., which notice is signed by George H. Kelly, city attorney for said city of Kaukauna. I am also presenting resolutions ¹ adopted by the common council of said city and by the Advancement Club of said city, and a copy of a letter ¹ dated July 11, 1912, to Hon. John Coppes, mayor of Kaukauna.

The people of the city of Kaukauna have been appealing to the United States Government for some protection and improvement of this bank for over 20 years, and it appears that nothing has been done. As far back as February 10, 1888, Capt. W. L. Marshall, Corps of Engineers, reported on this condition to the Chief of Engineers. And again in 1892, Maj. James F. Gregory made a report on this condition. Both of these reports have been adverse, and it seems that every engineer since Capt. Marshall that has investigated this matter has simply reported the same condition as his predecessor, without making any personal investigation at Kaukauna.

To give you an idea of the condition of this bank at the present time, and for the improvement of which the citizens of said city have been continually appealing to the Government, I refer you to the letter ¹ of Hon. John Coppes, under date December 13, 1913, mayor of said city of Kaukauna and treasurer of Outagamie County. I also refer you to the letter ¹ of R. M. Radsch, of the Advancement Club of said city. I want to also refer you to the petition ¹ written by Mr. Charles Stribley, president of the Advancement Club, and the petition ¹ of 350 citizens of this town in behalf of this improvement. About one year ago I saw this bank over at Kaukauna myself, and it was very apparent to me that there was a sliding of the bank, causing a lot of damage to the abutting property owners, and that very little expense in the way of terracing by the Government of that part of the bank which is owned by the Government and by the city of Kaukauna of that part which is owned by said city would stop all sliding and put this bank in a sanitary and sightly condition. This bank is located near a bridge crossing the Fox River and connecting South Kaukauna with North Kaukauna. This bridge is very extensively used, and the Government property along this bank is a very unsightly scene. It appears like a dumping ground for debris and garbage.

In the rivers and harbors act of March 3, 1899, there was a proviso inserted in the bill providing that \$2,500 of the amount appropriated for improvement of the Fox River should be used in the construction of a retaining wall on the north side of the canal in the city of Kaukauna for the protection of said canal. No part of this amount was spent for the construction of this wall because of the fact that the amount was not sufficient to construct this wall. It can be readily seen that at that time, when the Rivers and Harbors Committee incorporated this proviso, matters must have been presented to it to show that there was a sliding of this bank.

From the report of Maj. Ferguson it appears that he has not gone far enough into this matter. The major says in his report that the improvement of this bank would not benefit navigation. Is it to be understood that every time when the Government makes any improvement of its rivers, harbors, and canals that the only thing in view in making these improvements is the cold fact of benefit to navigation? Has not the Government in many instances expended thousands of dollars not only in the mer digging of a canal, building of harbor piers, dredging rivers, etc., but also in beautifying the surroundings of these Government works and keeping them in a sanitary condition?

I call your attention to a copy of a letter ¹ of Maj. Bromwell. In paragraph 7 of this letter the major suggests that the \$2,500, which had at one time been appropriated be reappropriated and allotted for the improvement of the portion of the canal bank owned by the Government. It was on the suggestion of this paragraph 7 of said letter that I appeared before the Rivers and Harbors Committee last year and got a proviso inserted in the rivers and harbors bill providing for a preliminary survey, with a view of improving this canal as suggested by Maj. Bromwell, and desired by the citizens of Kaukauna. But it seems that nothing was done by Maj. Ferguson to carry out the suggestions of Maj. Bromwell in paragraph 7 of said letter. He simply reported his predecessors had done, the fact that the improvement of this bank will not benefit navigation. No effort was made on the part of this engineer to survey the proper with a view of improving the bank and cooperating with the city of Kaukauna in the improvement.

¹ Not printed.

Maj. Bromwell suggested in that paragraph that the officials take this matter up with their Congressman. You gentlemen know that a Congressman can do but little with the Committee on Rivers and Harbors without the approval of a project by this body, and I therefore appeal to you in behalf of the citizens of Kaukauna for a favorable recommendation of reappropriation, or an allotment of \$2,500 to be spent as suggested by Maj. Bromwell.

Respectfully submitted.

THOMAS F. KONOP.

To the BOARD OF ENGINEERS FOR RIVERS AND HARBORS.







